UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/SR.13
20 May 1996

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 March 1996, at 3 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 3.15 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF FINLAND

1. Ms. HALONEN (Finland) expressed support for the statement made by Ms. Agnelli, Minister for Foreign Affairs of Italy, on behalf of the European Union.

2. By virtue of its global reach, the United Nations played a key role in the universal promotion of human rights. Accession to international instruments laid the foundation for protection of the rights of each individual. But the conclusion of treaties must be followed by implementation. The effectiveness of the United Nations human rights mechanisms depended both on full cooperation on the part of Governments and on adequate funding. The Finnish Government was deeply concerned about the reduction in the resources of the Centre for Human Rights, which had led to the abolition of posts and had restricted its freedom of action.

3. With regard to State cooperation with human rights mechanisms, she said that the parties to the Dayton Agreement were duty-bound to cooperate with the International Criminal Tribunal in the Hague so that the perpetrators of war crimes and crimes against humanity in the territory of the former Yugoslavia since 1991 could be brought to justice.

4. It was not only war that jeopardized human rights. Europe had recently undergone far-reaching political and structural changes which, however necessary for economic ends, should not be allowed to overshadow social and cultural rights. As women, children and minorities were often the main victims of such social upheavals, Finland considered that protection of their rights should be given priority.

5. With regard to women's rights, which had been reaffirmed at the Vienna Conference as constituting an integral part of universal human rights, the Fourth World Conference on Women had gone a step further and stated that no cultural, social or religious reason could be used as an excuse to deny women or girls equal rights or to maintain harmful traditional practices that violated the integrity of the individual. The international community must respond to the expectations raised in Beijing by systematically introducing the gender perspective on issues into all human rights activities. Moreover, the idea that the defence of women's rights was a task reserved for women should be challenged.

6. The almost universal ratification of the Convention on the Rights of the Child was encouraging but in practice children's rights continued to be grossly violated by such scandalous practices as child prostitution or by the exploitation of child labour.

7. Intolerance towards minorities often bred conflict, while the strengthening of minority rights was conducive to peace and stability. Finland therefore welcomed the creation of a working group of the Sub-Commission on the question of minorities. She also noted with satisfaction the work carried out in that connection by the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). She pointed out that some minorities, such as the Gypsies, were very numerous, with a total population exceeding that of countries such as Finland. The

adoption of a declaration on the rights of indigenous peoples would certainly be welcome. All countries should take a critical look at their existing national norms and practices in that area and show greater openness.

8. In conclusion, she stressed the importance of regional action to promote human rights. Regional machinery had the advantage of being more attuned to local problems. In that context, the establishment of the European Court of Human Rights in Strasbourg had been a resounding success. However, an important qualification was that regional systems must always be based on global standards. No lowering of such standards should be accepted in the name of particular regional or local characteristics. It should not be forgotten that the subjects of human rights were individuals to whom the international community was accountable.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(agenda item 5) (continued) (E/CN.4/1996/22, 23, 106, 113 and 140; E/CN.4/1996/NGO/2, 3, 7, 8, 10, 14 and 15; E/CN.4/Sub.2/1995/12 and 15)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1996/10, 24 and 25; E/CN.4/1996/NGO/1, 8 and 11; E/CN.4/1995/11, 21 and 27)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 13) (continued) (E/CN.4/1996/75, 76 and 96)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 14) (continued) (E/CN.4/1996/77 and 87; A/50/505)

9. Mr. GOONETILLEKE (Sri Lanka), referring to the Declaration on the Right to Development and to articles 1 and 4 in particular, stressed the indivisibility and interdependence of all human rights and of all aspects of the right to development, and the importance of effective international cooperation for development. The right to development as a universal and inalienable right and an integral part of all fundamental human rights had been reaffirmed by the World Conference on Human Rights in the Vienna Declaration and Programme of Action, as well as by other recent international conferences. Regrettably, those declarations all too often remained a dead letter.

10. For the developing countries, full realization of the right to development could be ensured only through effective cooperation, both at the international level to establish equitable economic relations and alleviate the debt burden, and at the national level, where the formulation of a sound development policy should involve all sectors of society. In the area of international cooperation, the developing countries called for better functioning of the Bretton Woods institutions. The Managing Director of the International Monetary Fund, Mr. Camdessus, had in fact recently stated that international cooperation was a prerequisite for the smooth functioning of the international monetary system.

11. Regretting that the Working Group on the Right to Development had not reached a consensus at its previous session, his delegation took the view that the process of identifying obstacles to the realization of the right to development should be relaunched but urged that the task should be assigned to a body that worked openly and transparently with the participation of all interested parties. It commended the report of the Secretary-General on the realization of the right to development (E/CN.4/1996/25) and was particularly pleased to note that a new branch had been created in the Centre for Human Rights which would have special responsibility for the promotion of respect for the right to development.

12. Ms. MOURAVIEFF-APOSTOL (International Federation of Social Workers) said she hoped that the Commission would give the requisite attention to the International Year for the Eradication of Poverty. She stressed the need to respect human dignity and in that connection drew attention to the statements on extreme poverty made by the World Conference on Human Rights (para. 25 of the Vienna Declaration and Programme of Action) and the World Summit for Social Development (para. 9 of the Copenhagen Declaration on Social Development); the Summit had also noted the importance of participation by poor people themselves in reflection on extreme poverty. Yet those statements of good intention had been matched by very little in the way of action. Under pressure from economic problems, the developed countries had severely curtailed their social services and their aid programmes for developing countries.

13. Social workers who sought to attend to the needs of the most deprived, not only in material terms, but also in terms of personal and vocational needs and human relations, knew that while poverty alleviation was important, action to prevent it from spreading was also necessary. Hence, in addition to providing services and social assistance, States must take steps to prevent poverty: capacity-building, diversified education and vocational training, human rights education, gender equity, confidence-building and communication skills. The fight against poverty must be based on cooperation among States, non-governmental organizations and poor people themselves.

14. In conclusion, the International Federation of Social Workers urged Member States to revise their priorities and take practical and effective action in defence of the dignity of those living in extreme poverty. She expressed gratitude to Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on human rights and extreme poverty, for his study and to the United Nations Children's Fund (UNICEF) for its exploratory work on "Reaching the Poorest".

15. Mr. POPOVIĆ (Sierra Club Legal Defense Fund, Inc.), referring to the Secretary-General's report prepared pursuant to Commission resolution 1995/14 on human rights and the environment (E/CN.4/1996/23), said he regretted that so few States had commented on the final report on human rights and the environment submitted by the Special Rapporteur of the Sub-Commission, Ms. Ksentini. The reason was that the note verbale and letter in which the Centre for Human Rights had solicited the comments had not been widely circulated and Ms. Ksentini's report had not been translated into all the official languages of the United Nations. In view of those difficulties, the Commission should extend the Secretary-General's mandate for a year so that all interested parties would have the opportunity to present their comments to the Commission.

16. Events throughout the world during the previous year had revealed the inescapable links between human rights and the environment. In Nigeria, for example, the Nigerian Government's failure to protect its people from the excesses of the oil industry had led to the tragic execution of Ken Saro-Wiwa, and in Burma minority groups were suffering the adverse consequences of the laying of a gas pipeline.

17. The Sierra Club Legal Defense Fund welcomed Ms. Ksentini's preliminary report on the adverse effects of the illicit movement and dumping of toxic and dangerous products and waste on the enjoyment of human rights (E/CN.4/1996/17) and looked forward to the continuation of her work.

18. Mr. GILANI (World Society of Victimology) echoed the Working Group on the Right to Development in noting that States had a duty to create conditions conducive to the realization of the right to development and that special attention should be given in that context to the elimination of violence against women. The relevant principles had been laid down in the Declaration on the Right to Development and in various international instruments and had been espoused by NGOs. But the gap between principles and reality was wide.

19. He read out a dispatch of 9 September 1995 sent by Suzanne Goldenberg of the London daily newspaper The Guardian from Srinagar, the summer capital of the disputed state of Jammu and Kashmir. It described the deplorable state of the Lalla Ded maternity hospital, one of the few still operating in Kashmir, six years after the beginning of the uprising against Indian rule. Despite the disastrous medical conditions, it was common to find hundreds of women queuing for admission outside. The Sri Maharajah Hari Singh hospital, once the pride of Srinagar, was also overcrowded and dilapidated. The international community's legitimate ambition to enable mankind to reach the highest possible level of dignity, freedom and well-being, as stated in paragraph 68 of the report on the question of the realization of the right to development (E/CN.4/1996/24), was no more than a dream for the people of Kashmir. They were the victims of persistent violations of human rights, which constituted "obstacles of a political character", denounced in the report, to the realization of the right to development. Whereas the Declaration on the Right to Development called for the elimination of poverty and marginalization, the Indian State had decided to drive over 2 million people from their homes. To realize the right to development, it was urgently necessary to ensure genuine contractual relations between the State, on the one hand, and individuals and the international community, on the other.

20. Mr. GEBRIEL (World Federation of Democratic Youth) said that realization of economic, social and cultural rights assumed particular importance in view of the fact that denial of those rights was one of the main causes of injustice in the modern world and of the problems that jeopardized international peace and security. The most serious violations occurred in developing countries, which were increasingly marginalized because of their inability to cope with their problems or keep pace with technological progress. But denial of economic, social and cultural rights was also one way in which the rich countries tightened their control over the poor. That had been borne out at the fifty-first session of the Commission during the voting on resolutions 1995/15 and 1995/17, which dealt respectively with obstacles to the full realization of economic, social and cultural rights and the right to development, and which stressed the need for closer international cooperation to surmount those obstacles. All developing countries without exception had voted in favour of the resolutions, while an overwhelming majority of developed countries had voted against.

21. The World Federation of Democratic Youth was also concerned to note that certain States, particularly the United States of America, were unilaterally applying economic sanctions and blockades against other States, which had an extremely adverse impact on the enjoyment of economic, social and cultural rights and the right to development and all too often inflicted terrible sufferings on the populations of the countries concerned. The international community should act to prevent the misuse of sanctions and to alleviate their harmful effects, which were incompatible with the main goal of the United Nations, namely the preservation and maintenance of peace and the promotion and protection of human rights.

22. The plight of poor people in the developing countries was particularly worrying; it was therefore essential for the Governments of all countries, developing and developed, to implement the recommendations and Programme of Action adopted at the World Summit for Social Development with a view to eradicating poverty in the South. A seminar organized by NGOs would be held in Geneva in June to assess the action taken by States to that end, and the World Federation of Democratic Youth encouraged all Governments to supply the information requested.

23. Mr. SRIVASTAVA (International Institute for Non-Aligned Studies), speaking on agenda item 5 (a), drew the Committee's attention to the report by the Secretary-General on that item (E/CN.4/1996/23) which stated that underdevelopment might constitute a direct violation of the right to life and health, and to Commission resolutions 1992/11 and 1993/13 concerning a study by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on human rights and extreme poverty. Poverty had become a global phenomenon afflicting people in developed and developing countries alike. The fact that 1,500 million people throughout the world were living in absolute poverty despite advances in science and technology was evidence that the organization of the world economy encouraged inequalities and the wastage of scarce resources, which were used in many countries for purposes other than the well-being of the people.

24. There was no single global remedy for poverty. Country-specific programmes were necessary to solve the problem, but the international community must assist the process by calling on Governments to ensure that all segments of the population benefited from the programmes and had an equal

stake in economic progress. The International Institute for Non-Aligned Studies therefore urged the international community to draw up multisectoral programmes, both national and international, for poverty reduction, to mobilize all actors in the development process, to enhance the participation of poor people in society, to encourage the scientifically most advanced and most highly developed countries to bear in mind the long-term objective of an improvement in global standards of living, and to encourage nation States to reorganize their institutional and legal structures to ensure that the benefits of development flowed to all segments of society.

25. Mr. ALI KHAN (World Peace Council) said that the right to development, which had been reasserted at the major international conferences held in recent years under the aegis of the United Nations, was an inalienable right by virtue of which every individual was entitled to participate in and contribute towards economic, cultural and political development in which all human rights and fundamental freedoms could be fully realized. All human beings had an individual and collective responsibility to promote and protect an appropriate political, social, cultural and economic order for development. Regrettably, the developmental strategies adopted by most countries had no regard for the ecological equilibrium, created social tensions and were detrimental to human rights. Current developmental models revealed the inevitable conflict of interests between States, with the most powerful usurping the rights of the weaker.

26. The concept of the right to development had prompted spirited discussions at both the national and international levels, and its implementation had created regional imbalances in many parts of the world. In the developing countries, those imbalances entailed acute social problems which themselves gave rise to political demands and secessionist movements in many parts of the world. In order to ensure balanced growth, it was vital to draw up regional development programmes which took into account the aspirations of the inhabitants of the regions concerned.

27. Moreover, the differences between nations' levels of development were essentially attributable to the fact that the fruits of scientific and technical progress were solely enjoyed by the developed countries and that certain institutional and legal barriers, such as intellectual property rights and patents, also hindered the transfer of technology from the industrialized world to other nations. If the right to development were to become a reality, it was necessary to ensure the right of access to the fruits of global technology within the framework of a United Nations pool of science and technology.

28. The strengthening of international peace and security and the reduction of defence expenditures were important requisites for development and the enjoyment of human rights. It was thus essential to reduce military expenditure, and even more so, sales of military equipment by the developed countries to poor nations, in order to enable the latter to use their resources for development.

29. Finally, it was essential for the developing countries' external debt burden, which was a major obstacle to their development, to be lightened through concerted action, so as to supplement the efforts of their Governments to ensure that the economic, social and cultural rights of their people were respected.

30. Mr. WAREHAM (International Association Against Torture - IAAT) said that despite all the resolutions adopted by various United Nations bodies, particularly by the Commission on Human Rights, and all the reports and declarations reaffirming the importance of the right to development as a fundamental human right, most developed countries, and in particular the United States, had done nothing to ensure the systematic and equitable implementation of that right. The United States had even gone so far as to deny the Cuban people that right by imposing a three-decade-long economic blockade on the sovereign State of Cuba, regardless of the international community's disapproval. As the Secretary-General had stated in his report (E/CN.4/1996/22), respect for the principle of equal rights and self-determination of peoples clearly excluded any form of coercion. The embargo imposed by the United States on Cuba was a coercive measure which attempted to encompass the entire international community by threatening the integrity of the principle of State sovereignty and international trade relations and showed contempt for the right to development. The sanctions imposed by the Security Council against Libya, under pressure from the United States following the Lockerbie incident, were also an obstacle to the Libyan people's exercise of the right to development. As the Government of Libya had indicated its willingness to hand over those responsible, IAAT believed that the problem could be settled by other means.

31. The attitude of the United States towards the populations of other countries was hardly surprising in the light of its treatment of the 40 million black people who lived within its borders. The blacks, who occupied the lowest rung of the social ladder, formed a "collectivity of underdevelopment", whose right to development was continually violated or denied by the whites, who took over their land and seized all the country's wealth. One of the socio-political aspects of the right to development was the right to self-determination. However, in the United States, the blacks had never freely chosen their status; only a plebiscite would allow them to do so and genuinely realize their right to development.

32. His organization wondered how the Commission on Human Rights could take measures to guarantee the right to development while one of its most powerful members had done nothing to promote the right to development, even on its own territory. The Commission should again condemn the embargo imposed on Cuba by the United States and demand that the United States recognize the right to development of its 40 million-strong African community.

33. The CHAIRMAN invited those delegations that wished to do so to exercise their right of reply.

34. Mrs. GHOSE (India) replied to the attacks by the Minister for Foreign Affairs of Pakistan, who had again tried the patience of the Commission with an outpouring of gratuitous charges against India concerning the situation in Jammu and Kashmir.

35. Those charges were merely a fresh attempt by Pakistan to assert its territorial claims over a territory which belonged to India. The only connection between the issue and human rights was Pakistan's sponsorship of cross-border terrorism and hiring of mercenaries to achieve its ends, resulting in gross violations of the fundamental rights of the local population.

36. What credence could be given to the statements of a country that was still classified in the resolutions of the United Nations as "the occupying forces", in other words the aggressor in the Indian State of Jammu and Kashmir. The only solution to the problem was for Pakistan to put an end to its policy of aggression and to withdraw from that part of the State of Jammu and Kashmir which it was wrongfully occupying. Even Pakistani ministers had publicly acknowledged that Kashmir did not belong to Pakistan. Pakistan's current hyperactivity in the region flowed from its realization that its efforts were not working, as nine Kashmiri militants had begun talks with the central Government of India. The people of Jammu and Kashmir had realized that their aspirations could only be met through dialogue and an electoral process. India had always followed a policy of transparency over the Kashmir question, as had been recognized by a number of objective foreign observers, including diplomats, journalists and the United Nations High Commissioner for Human Rights himself.

37. Rather than levelling sectarian charges against India, Pakistan would be better advised to combat international terrorism and, if it sincerely desired to promote human rights, to begin by signing the relevant international covenants.

38. Mr. SALMAN (Observer for Iraq) said that by accusing Iraq of having failed to cooperate with the Special Rapporteur, the Minister for Foreign Affairs of the United Kingdom had made an extremely biased and political assessment of the situation. His delegation would have appreciated greater objectivity on his part and would have preferred him to set aside political considerations and address the actual humanitarian problems, such as those resulting from the blockade imposed on Iraq. By doing so, he would demonstrate the sincerity of his concern for human rights.

39. Iraq had not refused to cooperate with the Special Rapporteur. It had received him and would have been perfectly willing to discuss the actual human rights situation in Iraq with him if he had not exceeded the limits of his mandate and ventured cnto political ground. It was sufficient to read his reports, which attached no importance to the official information provided by Iraq and presented a distorted image of reality. Iraq had always endeavoured to establish the truth, but the Special Rapporteur had turned a deaf ear. The Commission should take that into account when the Special Rapporteur took the floor.

The meeting rose at 4.30 p.m.